

UNITED STATES DISTRICT COURT JUN 12 2019

for the
Southern District of Texas**David J. Bradley, Clerk**United States of America
v.
Jose Omar GARZA
YOB: 1983 COB: Mexico

Case No.

M-19-1365-M

*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/24/2019 in the county of Starr in the Southern District of Texas, the defendant violated Title 18 U. S. C. § 924(a)(1)(A), an offense described as follows:

Whoever, knowingly makes any false statement or representation with respect to the information required to be kept in the records of a federal firearms licensee.

Approved by: AVSA M-Alexis Garcia on 6/12/19.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

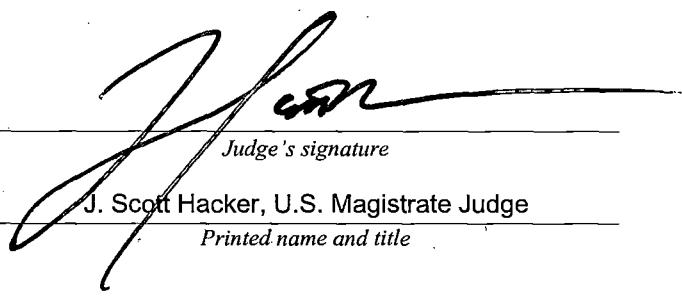
 Continued on the attached sheet.


Candace Garza
Complainant's signature

Candace Garza, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/12/19


J. Scott Hacker
Judge's signature

City and state: McAllen, TX

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

This affidavit is in support of a criminal complaint charging Jose Omar GARZA hereinafter referred to as "GARZA", with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause that GARZA has violated Title 18 U.S.C. Section 924(a)(1)(A) which provides as follows: Whoever, knowingly makes any false statement or representation with respect to the information required to be kept in the records of a federal firearms licensee (FFL).

Further, the Affiant states as follows:

On or about January 28, 2019, ATF discovered GARZA had purchased several firearms from March 2016 through January 2019 from Federal Firearms Licensees (FFLs) located in the Hidalgo, Starr, and Webb counties. ATF Form 4473s were obtained for GARZA's firearm purchases, which revealed GARZA purchased approximately one-hundred and eighty six (186) firearms since September 2015. The aforementioned forms also revealed the listed address for GARZA was located in Houston, TX. Agents attempted to make contact with GARZA at the location listed on the ATF Form 4473s with negative results.

On June 11, 2019, your affiant was contacted by Customs and Border Protection Officers (CBP) at the Falcon Dam, TX Port of Entry (POE) advising agents that GARZA had attempted to cross into the United States via the port. Agents made contact with GARZA and was subsequently interviewed.

During a Post-Miranda interview of GARZA, GARZA stated he had purchased the aforementioned firearms for a male subject he knew as "PELON". GARZA further stated he was provided payment from "PELON" for each firearm transaction he completed. Specifically, GARZA admitted to lying on question 11(a) of the ATF Form 4473 when he checked the box as the actual buyer of the firearms when he knew the four (4) small caliber pistols he purchased on January 24, 2019 from an FFL located in Starr County, TX were for "PELON".

Additionally, GARZA admitted that he had been residing in Mexico for approximately one (1) year. GARZA further stated that he did not live at the residence located in Houston, TX when he filled out question #2 on the ATF Form 4473, which asks the purchaser to state their current state of residence and address, when he (GARZA) purchased the aforementioned firearms on January 24, 2019.

Your affiant knows that FFLs are required to keep the ATF Form 4473 (Firearms Transaction Record) which is completed by the purchaser, which includes information regarding the name, age, current residence of the purchaser, and the purchasers certification that he or she is not prohibited from possessing firearms. Furthermore, the purchaser must certify that their answers on ATF Form 4473 are true, correct and complete.

ATTACHMENT A

Moreover, the ATF Form 4473 also warns the buyer that making a false statement on the ATF Form 4473 is a felony offense. Lastly, any false statement or representation made on ATF Form 4473, which is information required to be kept in the records of a federal firearms licensee, is a violation of 18 USC 924(a)(1)(A).